

CA #01-70812

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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**In re: JOHN L. BURTON, ROBERT M. HERTZBERG, and CITY OF OAKLAND**

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**JOHN L. BURTON**, President Pro Tempore of the California State Senate, individually and on behalf of the **California State Senate**; **ROBERT M. HERTZBERG**, Speaker of the California State Assembly, individually and on behalf of the **California State Assembly**; and the **CITY OF OAKLAND**, A Charter City and Municipal Corporation, individually and on behalf of its residents,

*Petitioners,*

vs.

**FEDERAL ENERGY REGULATORY COMMISSION,**

*Respondent.*

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Original Proceeding in the Court of Appeals  
Pursuant to 16 U.S.C. §825l(b) and 28 U.S.C. §1561(a)

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**MOTION OF CALIFORNIA STATE TREASURER PHILIP ANGELIDES  
FOR LEAVE TO FILE A BRIEF OF AN AMICUS CURIAE  
PURSUANT TO FEDERAL RULES OF APPELLATE PROCEDURE 29**

Linda K. McAtee, Bar No. 122181  
General Counsel  
State Treasurer's Office  
915 Capitol Mall, Room 110  
Sacramento, CA 95814  
(916) 653-2971  
FAX (916) 653-3125  
lmcatee@treasurer.ca.gov

Attorney for Amicus Curiae Philip Angelides

California State Treasurer, Philip Angelides, moves under Federal Rule of Appellate Procedure 29(b) for permission to file an amicus curiae brief on behalf Petitioners and in support of Petitioners' Petition for Rehearing En Banc.

If permission to file an amicus curiae brief is granted, Mr. Angelides' amicus curiae brief will address the economic impact of the Federal Energy Regulatory Commission's ("FERC") inaction on the residents of California. As the Treasurer of the State of California, Mr. Angelides brief will offer this Court his unique knowledge of the impact that FERC's inaction is having on California's economy.

Undersigned counsel for Mr. Angelides has spoken with counsel for Petitioners John Burton, Robert Hertzberg, the California Legislature, and the City of Oakland and counsel for Petitioners have stated that they have no objections to Mr. Angelides filing an amicus curiae brief. The undersigned counsel has also spoken with counsel for Respondent, the Federal Energy Regulatory Commission and counsel for Respondent has stated that while he does not support the filing of this motion, he will not file any opposition to the motion. Allowing Mr. Angelides to file an amicus curiae brief will not delay proceedings in this action.

Dated: June \_\_\_, 2001

Respectfully submitted,  
STATE TREASURER'S OFFICE

By: \_\_\_\_\_  
LINDA K. McATEE